IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 19245 of 2005(N)

PETITIONER:

CHANDRASEKHARAN P.,
WORKING AS P.A.TO THE DISTRICT DEVELOPMENT OFFICER FOR SCHEDULED CASTE (NOW RE-DESIGNATED AS ASST.DISTRICT DEVELOPMENT OFFICER FOR SCHEDULED CASTE), RESIDING AT ASWATHY , P.O. MUTTATHODY, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH.

RESPONDENTS:

1. **KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.**

2. **STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF SCHEDULED CASTE AND SCHEDULED TRIBE DEVELOPMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC,
GOVERNMENT PLEADER SRI. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.19245/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTIFICATION DTD. 26/12/2002 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE SHORT LIST WAS PUBLISHED ON 05/11/2004 BY THE R.1.

EXT.P.3: COPY OF THE LETTER DTD. 10/12/2004.

EXT.P.4: COPY OF THE MEMO DTD. 24/01/2005 ISSUED BY THE R.1.

EXT.P.5: COPY OF THE COVERING LETTER DTD. 27/01/2005 TO THE R.1.

EXT.P.6: COPY OF THE REGISTERED LETTER DTD. 04/02/2005 TO THE R.1.

EXT.P.7: CO, LETTER DTD. 04/02/05 ISSUED BY R.1.

EXT.P.8: COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE HOLDING INTERVIEW DT. 14/02/05.

EXT.P.9: COPY OF THE MEMO DTD. 05/05/2005 ISSUED BY THE R.1. TO THE PETITIONER.

EXT.P.10: COPY OF THE SERVICE CERTIFICATE DT. 07/02/05.

EXT.P.11: COPY OF THE CERTIFICATE DTD. 07/02/2005 STATING THAT THE POST OF PERSONAL ASSISTANT IS A MINISTERIAL SUPERVISORY POST.

EXT.P.12: COPY OF THE JUDGMENT DTD. 26/08/1993 RENDERED BY DIVISION BENCH OF THIS HONOURABLE COURT IN W.A. NO. 868/1993.

EXT.P.13: COPY OF THE COVERING LETTER DTD. 10/05/2005 ENCLOSING EXHIBITS P.10, P.11 AND P.12.

EXT.P.14: COPY OF THE GOVT. ORDER DTD. 11/06/2004.

EXT.P.15: COPY OF THE MEMO DTD. 07/06/2005 BY R.1.

RESPONDENT'S EXHIBIT:

EXT.R1.A: COPY OF THE LETTER ISSUED BY THE GOVERNMENT DTD. 22/05/90.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.
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W.P.(C) NO. 19245 OF 2005
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Dated this the 3rd day of August, 2007

J U D G M E N T

The petitioner, who had applied for the Administrative Officer Gr.II in response to Ext.P1 notification is challenging Ext.P15 communication issued by the PSC rejecting his application for the reason that he did not have the required experience and that the experience he had, did not make him eligible to be considered for the post in question. The petitioner was holding the post of PA to the District Development Officer, Scheduled Castes and the same has been re-designated by Ext.P14 order as Assistant District Development Officer, Scheduled Castes. Although the petitioner has raised several grounds and produced several documents in support of his claim, in the counter affidavit filed on behalf of the first respondent, it is stated that Government have clarified in their letter dated 22/5/90 that the post of PA to District Development Officer in the Scheduled Caste Department do not come under the purview of the orders issued in terms of G.O.M.S. 140/76/PD dated 15/5/76

which defined “supervisory experience” and “supervisory post”, and the same has been produced as Ext.R1(a). Since the post held by the petitioner is included in the statement appended to Ext.R1(a), the petitioner has to be held as not having the experience prescribed in Ext.P1 notification and therefore he is ineligible. Even after production of Ext.R1(a), the petitioner has not challenged the same and hence going by the terms of Ext.R1 (a), admittedly, petitioner is ineligible and for that reason first respondent was justified in rejecting his application. This writ petition deserves to be dismissed and I do so, but without prejudice to the right of the petitioner to challenge Ext.R1(a), if he is so advised.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp